

**DRAWING AMENDMENTS**

The drawings have been amended as follows. Fig. 8 has been amended to depict the second table end 56, which was fully described in the specification at paragraph [0031]. Fig. 9 has been amended to depict the work piece 28, bending surface 44, base 46 and first table end 54, which were fully described in the specification at paragraphs [0030], [0031] and [0036]. The Applicant avers that no new matter has been added by virtue of these amendments. A substitute drawing sheet for Figs. 8 and 9 is being submitted concurrently with the instant amendment.

**REMARKS**

Claims 1-18 are pending.

Claims 1-18 stand rejected.

Claims 4 and 13 have been canceled, without prejudice.

Claims 1 and 10 have been amended. Support for these amendments can be found throughout the specification and drawings, as originally filed.

The specification has been amended to correct several typographical errors. The Applicant avers that no new matter has been entered into the specification by virtue of these amendments.

The drawings have been amended to correct typographical errors and to more clearly depict features and elements that were fully described in the specification. The drawings have been amended as follows. Fig. 8 has been amended to depict the second table end 56, which was fully described in the specification at paragraph [0031]. Fig. 9 has been amended to depict the work piece 28, bending surface 44, base 46 and first table end 54, which were fully described in the specification at paragraphs [0030], [0031] and [0036]. The Applicant avers that no new matter has been added by virtue of these amendments. A substitute drawing sheet for Figs. 8 and 9 is being submitted concurrently with the instant amendment.

**35 USC §102(b) REJECTION**

Claims 10, 11 and 14-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,490,309 to Gustavson.

The Applicant respectfully traverses the 35 U.S.C. §102(b) rejection of claims 10,

11 and 14-17.

The law is clear that anticipation requires that a single prior art reference disclose each and every limitation of the claim sought to be rejected. 35 U.S.C. 102(b).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. 112, fourth paragraph.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicant has amended claim 10 to recite, among other things, a guide mechanism for use with a sheet bending brake for securing a work piece, the brake including a clamping member having a lower leg extending therefrom, a pivot arm and a guide mechanism, the pivoting arm being pivotally supported by and extending from the clamping member to define a clamping area with the lower leg, the guide mechanism reacting between the clamping member and the pivoting arm for moving the pivoting arm between an open position and a closed position, comprising: (1) a pivot link having a body, the body having a top end and a bottom end and first and second side walls, the top end having an aperture extending from the first side wall to the second side wall, the bottom end having a pocket extending toward the top end and a pair of slots extending from one side wall to the other side wall, the pair of slots each having a first end portion and a spaced and opposed second end portion, the pocket intersecting the pair of slots; a spring mechanism located within the pocket; (2) a rod inserted through the pair of slots, the spring mechanism being located between the rod and an end of the pocket; and (3) a bolt threaded through an aperture in the pivoting arm and the pair of slots, the spring

mechanism being located between the bolt and an end of the pocket, wherein the bolt is selectively operable to travel between the first end portion and the second end portion of the pair of slots so as to permit the compression and decompression of the spring mechanism.

Gustavson teaches no such structure.

Specifically, Gustavson fails to teach, among other things, that the bolt is selectively operable to travel between the first end portion and the second end portion of the pair of slots so as to permit the compression and decompression of the spring mechanism, as presently claimed. The supposed bolt, i.e., anchor pin 14, is, as its name suggests, stationary with respect to slot 15, and thus the anchor pin 14 cannot travel at all through the length of slot 15 and thus cannot cause the compression or decompression of the spring 17.

Because claim 10 is allowable over Gustavson for at least the reasons stated above, claims 14-17, which further depend from and further define claim 10, are likewise allowable.

Accordingly, the Applicant contends that the 35 U.S.C. 102(b) rejection of claims 10 and 14-17 has been overcome.

Furthermore, the Applicant submits that Gustavson does not render claims 10 and 14-17 obvious.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested

by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir.1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

Gustavson does not suggest, among other things, that the bolt is selectively operable to travel between the first end portion and the second end portion of the pair of slots so as to permit the compression and decompression of the spring mechanism, as presently claimed. As previously noted, the supposed bolt, i.e., anchor pin 14, is, as its name suggests, stationary with respect to slot 15, and thus the anchor pin 14 cannot travel at all through the length of slot 15 and thus cannot cause the compression or decompression of the spring 17. Thus, one of ordinary skill in the art would not look to Gustavson for guidance on constructing a guide mechanism for use with a sheet bending brake for securing a work piece, as presently claimed.

### **35 USC §103(a) REJECTION**

Claims 12, 13 and 18 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over U.S. Patent No. 3,490,309 to Gustavson.

The Applicant respectfully traverses the 35 U.S.C. §103(a) rejection of claims 12, 13 and 18. The Applicant notes that claims 13 have been canceled, without prejudice, and therefore the 35 U.S.C. §103(a) rejection against it is moot. It should also be noted that the language of claim 13 has been substantially incorporated into independent claim 10.

As previously noted, Gustavson does not suggest, among other things, that the bolt is selectively operable to travel between the first end portion and the second end portion of the pair of slots so as to permit the compression and decompression of the spring mechanism, as presently claimed. Also as previously noted, the supposed bolt, i.e., anchor pin 14, is, as its name suggests, stationary with respect to slot 15, and thus the anchor pin 14 cannot travel at all through the length of slot 15 and thus cannot cause the compression or decompression of the spring 17. Thus, one of ordinary skill in the art would not look to Gustavson for guidance on constructing a guide mechanism for use with a sheet bending brake for securing a work piece, as presently claimed.

Because claim 10 is allowable over Gustavson for at least the reasons stated above, claims 12 and 18, which further depend from and further define claim 10, are likewise allowable.

Accordingly, the Applicant contends that the 35 U.S.C. 103(a) rejection of claims 12 and 18 has been overcome.

### **35 USC §103(a) REJECTION**

Claims 1-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over

U.S. Patent No. 4,372,142 to Rhoades in view of U.S. Patent No. 3,490,309 to Gustavson.

The Applicant respectfully traverses the 35 U.S.C. §103(a) rejection of claims 1-9. The Applicant notes that claim 4 has been canceled, without prejudice, and therefore the 35 U.S.C. §103(a) rejection against it is moot. It should also be noted that the language of claim 4 has been substantially incorporated into independent claim 1.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicant has amended claim 1 to recite, among other things, a sheet bending brake for securing a work piece, comprising: (1) a clamping member having a lower leg extending therefrom; (2) a pivoting arm pivotally supported by and extending from the clamping member to define a clamping area with the lower leg; (3) a guide mechanism reacting between the clamping member and the pivoting arm for moving said pivoting arm between an open position and a closed position, the guide mechanism having pivot link with a body, the body having a top end and a bottom end and first and second side walls, the top end being rotatably coupled to the clamping member, the bottom end being rotatably coupled to the pivoting arm and having a pocket extending toward the top end and a pair of slots extending from one side wall to the other side wall, the pair of slots each having a first end portion and a spaced and opposed second end portion, the pocket intersecting the pair of slots; (4) a spring mechanism located within the pocket and being coupled between the guide mechanism and the pivoting arm; and (5) a bolt threaded through an aperture in the pivoting arm and the pair of slots, the spring mechanism being located between the bolt and an end of the pocket, wherein the bolt is

selectively operable to travel between the first end portion and the second end portion of the pair of slots so as to permit the compression and decompression of the spring mechanism.

Neither Rhoades nor Gustavson, either alone or in combination therewith, disclose or suggest such structure.

While Rhoades may arguably disclose a flexible toggle 30 as asserted by the Examiner, Rhoades does not disclose or suggest the use of a bolt that is selectively operable to travel between a first end portion and a second end portion of a pair of slots so as to permit the compression and decompression of a spring mechanism disposed in a pocket formed in the body of the guide mechanism, as presently claimed.

The recitation of Gustavson does not cure the deficiencies in the teaching of Rhoades.

As previously noted, Gustavson does not suggest, among other things, that the bolt is selectively operable to travel between the first end portion and the second end portion of the pair of slots so as to permit the compression and decompression of the spring mechanism, as presently claimed. Also as previously noted, the supposed bolt, i.e., anchor pin 14, is, as its name suggests, stationary with respect to slot 15, and thus the anchor pin 14 cannot travel at all through the length of slot 15 and thus cannot cause the compression or decompression of the spring 17.

Thus, one of ordinary skill in the art would not look to either Rhoades or Gustavson, either alone or in combination therewith, for guidance on constructing a guide mechanism for use with a sheet bending brake for securing a work piece, as presently claimed.



Because claim 1 is allowable over Rhoades or Gustavson, either alone or in combination therewith, for at least the reasons stated above, claims 2, 3 and 5-9, which depend from and further define claim 1, are likewise allowable.

Accordingly, the Applicant contends that the 35 U.S.C. 103(a) rejection of claims 1-3 and 5-9 has been overcome.

**CONCLUSION**

In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by Examiner in the Office Action of May 27, 2005 has been successfully traversed, overcome or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 723-0423 if any unresolved matters remain.

Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2789. A duplicate copy of this letter is enclosed herewith for this purpose.

**Respectfully submitted,**

**HOWARD & HOWARD ATTORNEYS, P.C.**

April 21, 2006  
Date

  
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